

**REMARKS**

Claims 1 to 38 were previously cancelled. Claims 39 to 43 are cancelled. Claim 44 and 45 are amended to correct clerical errors. Claim to 46 is unchanged.

**Re Claims 44 to 46**

A phone interview between the Examiner and the undersigned Agent of Record took place on March 13, 2008. An agreement was reached that cancelling claims 39 to 43 and keeping claims 44 to 46 would be a responsive amendment. The following comments are further provided.

Claim 44 currently recites “A method of playing an electronic game”. In comparison, original claim 21 recited “A method of playing an electronic-lottery-ticket game involving consumption of electronic lottery tickets having information comprising primary-section data and variable data for modifying electronic-lottery-ticket play representation”. In the Applicant’s opinion, claim 21, which formed part of the elected invention, originally recited limitations that should have been classified in a similar class as new claim 44. That is, both claims 21 and 44 recite “A method of playing a game” with or without additional limitations.

Furthermore, claim 46 currently recites “A method of providing an electronic game to a player”. It is the Applicant’s respectful opinion that the scope of claim 46 is related to the scope of claim 44 and should be evaluated with respect to claim 44; their scopes both refer to the same single invention.

In the Office Action dated February 13, 2008, it is stated that the new claims are “drawn to a non-elected invention” (page 2, lines 2-3). It is further stated that “claims are

not readable on the elected invention because a method of encapsulating and analysing a data structure is distinct from the data structure for a lottery ticket, because the two inventions are regarded as a distinct process of making (unelected invention), and a distinct product made (elected invention).”

The Applicant would like to respectfully point out that the election of an invention has never been requested previously in this Application. The original application recited 38 claims with their scope varying from:

- A data structure (claims 1 to 10, 34 to 38);
- A method of generating an electronic-lottery–ticket game (claims 11 to 20);
- A method of playing an electronic-lottery ticket game (claims 21 to 27); and
- A player terminal (claims 28 to 33).

The Applicant would like to respectfully point out that previously, as stated above, no Request for Election of Invention was requested, and that no issue was raised over claims referring to more than one invention in the previous Office Action (Office Action dated September 22, 2007). Thus, it seems that there was no issue over the present invention including “A method of playing an *electronic-lottery-ticket* game”; which is the object of new claim 44.

The Applicant conceives that new claim 39 and dependent claims 40 to 43 were specific to a new (therefore a non-elected) invention: a method of encapsulating an electronic-game outcome. The Applicant apologizes for this mistake and insures the Examiner that it was not the Applicant’s intention to impose an undue burden on the Examiner. Therefore, the Applicant cancels these claims without prejudice.

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Accordingly, the Applicant believes claims 44 to 46 to fulfill the mandatory restrictions to be examined and respectfully requests the Examiner to examine these claims regardless of the Application as a whole changing classification or not.

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